

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Aviation West Charters LLC,

Plaintiff,

v.

Star Marketing and Administration
Incorporated, et al.,

Defendants.

No. CV-15-01614-PHX-PGR

ORDER

This action was originally filed in Maricopa County Court and removed to this Court based on diversity jurisdiction. Because there is a question regarding whether there is complete diversity between the parties and thus whether this Court has diversity jurisdiction over this matter, the Court will vacate the upcoming scheduling conference and require the Plaintiff to show cause why the allegedly improperly joined Defendant should not be dismissed.

In the Notice of Removal, Defendants admitted that there would not be complete diversity if Defendant Trustmark Services Company is considered because both Defendant Trustmark and Plaintiff are citizens of Delaware. Defendants contend, however, that Trustmark has been improperly joined to defeat diversity jurisdiction. (Doc. 1 at 3-4.) Defendants' contention appears to be supported by the allegations of the complaint, which do not include claims against Trustmark (Doc. 1-1 at 4-9.).

Although Plaintiff indicates its belief that "there is complete diversity of citizenship between the parties" (Doc. 10 at 3), Plaintiff does not provide any explanation

1 as to how there can be complete diversity if both Plaintiff and Defendant Trustmark are
2 citizens of Delaware. Further, Plaintiff does not explain why Trustmark has been joined
3 in the matter as a defendant or contest Defendants' position that Trustmark has been
4 improperly joined.

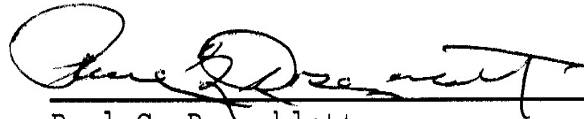
5 The Court must, before proceeding in this matter, determine whether it has
6 jurisdiction to do so. Accordingly, the Court will require Plaintiff to show cause why
7 Defendant Trustmark Services Company should not be dismissed as improperly joined.

8 IT IS ORDERED that that the Scheduling Conference, set for November 5, 2015,
9 is vacated.

10 IT IS FURTHER ORDERED that Plaintiff shall file, no later than **November 13,**
11 **2015**, a brief showing cause as to why Defendant Trustmark Services Company should
12 not be dismissed from this action as improperly joined.

13 IT IS FURTHER ORDERED that Defendants may file, no later than
14 **November 30, 2015**, a response to Plaintiff's show-cause brief.

15 Dated this 28th day of October, 2015.

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19 Paul G. Rosenblatt
20 United States District Judge
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